

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

CARLA BRYCE,)	
)	
Plaintiff,)	
)	
v.)	No. CIV-06-775-D
)	
TRACE, INC.,)	
)	
Defendant.)	

ORDER

The parties' proposed Final Pretrial Report [Doc. 23] has been affected by subsequent rulings and will require revision. To assist the parties in preparing a new report, the Court notes certain deficiencies in their prior submission.

The previous Final Pretrial Report reflects a failure of counsel to resolve some issues capable of resolution through reasonable, cooperative efforts and reflects an apparent failure to comply with applicable rules concerning the disclosure of evidence. For example, Plaintiff has listed as exhibits certain documents that were requested from, but not produced by, Defendant. No motion to compel their production has been filed. Plaintiff cannot introduce evidence she does not have, and such documents should not appear in the report. Similarly, Defendant has listed general categories of documents, "Summaries/Chronologies/Timelines," and unspecified demonstrative aids, to which Plaintiff objects as "not produced."¹ All documents to be introduced in evidence are required to be marked and "exchanged or exhibited to opposing counsel at least three calendar days before submission of the pretrial report." W.D. Okla. R. LCvR39.4(a). Counsel should comply with this rule prior to submission of the revised report.

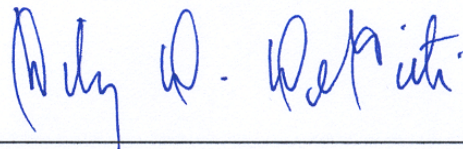
¹ The Court also has been unable to locate such documents in Defendant's final exhibit list.

In preparing a revised report, the parties shall:

- 1) omit all issues, contentions, and evidence that have been eliminated or excluded by the Court's pretrial rulings;
- 2) attempt to stipulate to all facts that are not disputed or reasonably disputable so as to eliminate unnecessary witnesses and exhibits;
- 3) resolve all objections reasonably capable of resolution through cooperative efforts and stipulate to the admissibility of as many exhibits as reasonably possible;
- 4) ensure compliance with all disclosure requirements and withdraw any proposed evidence that was not timely disclosed, unless permitted by the Court;
- 5) list only necessary exhibits and witnesses;
- 6) pre-mark and exchange all exhibits; and
- 7) accomplish all other necessary and appropriate steps to reduce the number of exhibits, witnesses, and objections, and otherwise streamline the trial of the case.

The parties shall submit a revised Final Pretrial Report not later than May 2, 2008.

IT IS SO ORDERED this 2nd day of April, 2008.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE